

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

SUZANNE GENEREUX and BARRY
GENEREUX, Individually and as Parents and
Natural Guardians of their minor children,
ANGELA GENEREUX and KRISTA
GENEREUX,

Plaintiffs

v.

AMERICAN BERYLLIA CORP., BRUSH
WELLMAN, INC., BRUSH WELLMAN
CERAMICS INC., BRUSH WELLMAN
CERAMIC PRODUCTS INC., HARDRIC
LABORATORIES, INC., KYOCERA
AMERICA, INC., KYOCERA INDUSTRIAL
CERAMICS CORP., and RAYTHEON
COMPANY,

Defendants

CIVIL ACTION
NO: 04-12137-JLT

**JOINT MOTION OF THE PARTIES TO SET
SCHEDULE FOR OPPOSITIONS AND REPLY
BRIEFS REGARDING MOTIONS TO DISMISS**

Now come the parties to respectfully request that this Court establish a schedule for the briefing of the plaintiffs' oppositions to various pending motions to dismiss and for any reply briefs and/or sur-replies. As grounds for this motion, the parties state as follows:

1. On June 22, 2004, the plaintiffs filed a civil action in state court alleging severe injuries relating to the fabrication of beryllium-containing products allegedly distributed to defendant Raytheon Company by the remaining defendants. An Amended Complaint was filed and served upon the defendants in early September 2004.

2. Defendants Brush Wellman, Inc., Kyocera America, Inc. and their related defendants removed the case to this Court on October 8, 2004.

3. After filing various assented-to motions to extend the time for responding to the Plaintiffs' Amended Complaint, three of the five sets of defendants filed motions to dismiss on or shortly after November 10, 2004. Two defendants filed both Answers and motions to be dropped

as mis-joined parties. Another defendant is expected to file a motion to dismiss in the near future and one defendant has, to date, filed only an Answer but has reserved its rights to file a motion to dismiss.

4. In light of the number of issues raised by the various motions and the fact that oppositions in the usual course would all become due at or around the same time, the plaintiffs request that their oppositions become due on **December 22, 2004**. The defendants have assented to that date.

5. Concerned that reply briefs, if any, would need to be prepared during the holidays, the defendants request that any reply briefs be filed on or before **January 14, 2005**. Plaintiffs have assented to that date. Likewise, should sur-reply briefs appear necessary or appropriate, the parties request that the court establish that they be filed on or before **January 28, 2005**.

WHEREFORE, the parties respectfully request that the Court establish that the plaintiffs' oppositions to the various pending dispositive motions be filed on or before December 22, 2004, that the defendants' reply briefs, if any, be filed on or before January 14, 2005 and that any sur-replies be filed on or before January 28, 2005.

Respectfully submitted,

The Plaintiffs,
By their attorneys,

/s/ Bradley M. Henry
Leo V. Boyle, BBO No. 052700
Bradley M. Henry, BBO No. 559501
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Defendants Kyocera America, Inc. and
Kyocera Industrial Ceramics Corp.
By their attorneys,

/s/ John C. Wyman (w/ assent fr: SB)
John C. Wyman
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AND

Defendants Brush Wellman, Inc., Brush
Wellman Ceramics, Inc. and Brush Wellman
Ceramic Products, Inc.
By their attorneys,

Defendant Hardric Laboratories, inc.
By its attorneys,

/s/ Alan M. Spiro (w/ assent fr: AMS)

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/s/ Robert M.A. Nadeau (w/ assent fr: B JL)

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Defendant Raytheon Company

Defendant American Beryllia Corp.

/s/ Ronald M. Jacobs (w/ assent fr: RMJ)

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CERTIFICATE OF SERVICE

I, Bradley M. Henry, certify that on November 22, 2004, I served the foregoing JOINT MOTION OF THE PARTIES TO SET SCHEDULE FOR OPPOSITIONS AND REPLY BRIEFS REGARDING MOTIONS TO DISMISS by electronic filing and by mailing an exact copy thereof, postage prepaid to all counsel of record as set forth above.

/s/ Bradley M. Henry
Bradley M. Henry